



THU 2851

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	
Mikio INOUE	:	
	:	
Appl. No.: 10/571,721	:	Art Unit: 2851
	:	
Filed: March 13, 2006	:	Examiner: To be assigned
	:	
For: INFORMATION	:	Atty. Docket: VPM-00601
COMMUNICATION TERMINAL	:	

CERTIFICATE OF MAILING

I hereby certify that the foregoing documents are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 21, 2006.

Bonny Rogers
Name: Bonny Rogers

REQUEST FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Based on the following claim fee calculations, Applicant respectfully requests a refund in the amount of **\$1800** out of the \$2000 charged to our deposit account 503596 on October 30, 2006 for additional filing fees in the above-referenced application (copy of October Deposit Account Statement attached).

As noted below, this application contains **48 claims** based on the fact that claims 8-13 contain multiple dependencies upon multiple dependencies which is not allowed according to MPEP §1.75(c) (copy attached). Applicants note that this section of the MPEP states: "For fee

calculation purposes under §1.16, a multiple dependent claim will be considered to be that number of claims to *direct reference* is made thereon" (emphasis added). In the case of illegal multiple dependent claims herein, Applicants have counted these claims for purposes of fee calculations based on the number of direct claim references made therein. Accordingly, the claim total is based on the following:

Claims 1-3 - 3 claims

Claim 4 (multiple dependent) - 3 claims

Claims 5-6 - 2 claims

Claim 7 (multiple dependent) - 2 claims

Claim 8 (multiple dependent with 1 illegal dependency- cannot legally depend from claim 7; makes direct reference to 3 claims) – 3 claims

Claim 9 (multiple dependent with 3 illegal dependencies – cannot legally depend from claims 4, 7, or 8; makes direct reference to 8 claims) - 8 claims

Claim 10 (multiple dependent with 3 illegal dependencies - cannot legally depend from claims 4, 7, or 8; makes direct reference to 8 claims) – 8 claims

Claim 11 – (depends from claim 10)– 8 claims

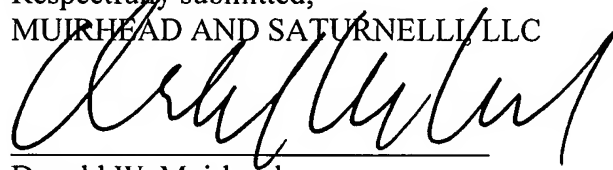
Claim 12 – (illegal multiple dependent; makes direct reference to 2 claims) – 2 claims

Claim 13 (multiple dependent with 4 illegal dependencies – cannot depend from claims 4, 7, 8 or 9; makes direct reference to 9 claims) – 9 claims

Total claim count: **48 claims**

Based on these calculations, the filing fee for this application should be \$2760 – (\$1000 + \$1400 for 28 claims over 20 + \$360 for the presence of multiple dependent claims). Since \$2560 was paid when the application was filed, we submit that only an additional \$200 should have been charged to our deposit account and ask that the additional **\$1800** charged to our deposit account be refunded.

Respectfully submitted,
MUIRHEAD AND SATURNELLI, LLC



Donald W. Muirhead
Registration No. 33,978

Date: November 21, 2006

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**United States
Patent and
Trademark Office****Deposit Account Statement**

Requested Statement Month: October 2006
Deposit Account Number: 503596
Name: MUIRHEAD AND SATURNELLI, LLC
Attention: DONALD W MUIRHEAD
Address: 200 FRIBERG PKWY
City: WESTBOROUGH
State: MA
Zip: 01581
Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
10/03	250	29266846	WEM-080US	1019	\$300.00	\$2,335.00
10/03	251	29266846	WEM-080US	1112	\$100.00	\$2,235.00
10/03	252	29266846	WEM-080US	1312	\$130.00	\$2,105.00
10/30	1	10571721	VPM00601	1615	\$2,000.00	\$105.00
10/31	264	SERVICE CHARGE		9202	\$25.00	\$80.00
		START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE	
		\$2,635.00	\$2,555.00	\$.00	\$80.00	

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§ 1.75 Claim(s).

(a) The specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery.

(b) More than one claim may be presented provided they differ substantially from each other and are not unduly multiplied.

(c) One or more claims may be presented in dependent form, referring back to and further limiting another claim or claims in the same application. Any dependent claim which refers to more than one other claim ("multiple dependent claim") shall refer to such other claims in the alternative only. A multiple dependent claim shall not serve as a basis for any other multiple dependent claim. For fee calculation purposes under § 1.16, a multiple dependent claim will be considered to be that number of claims to which direct reference is made therein. For fee calculation purposes also, any claim depending from a multiple dependent claim will be considered to be that number of claims to which direct reference is made in that multiple dependent claim. In addition to the other filing fees, any original application which is filed with, or is amended to include, multiple dependent claims must have paid therein the fee set forth in § 1.16(j). Claims in dependent form shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim. A multiple dependent claim shall be construed to incorporate by reference all the limitations of each of the particular claims in relation to which it is being considered.

(d)(1) The claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description. (See § 1.58(a)).

(2) See §§ 1.141 to 1.146 as to claiming different inventions in one application.

(e) Where the nature of the case admits, as in the case of an improvement, any independent claim should contain in the following order:

(1) A preamble comprising a general description of all the elements or steps of the claimed combination which are conventional or known,

(2) A phrase such as "wherein the improvement comprises," and

(3) Those elements, steps, and/or relationships which constitute that portion of the claimed combination which the applicant considers as the new or improved portion.

(f) If there are several claims, they shall be numbered consecutively in Arabic numerals.

(g) The least restrictive claim should be presented as claim number 1, and all dependent claims should be grouped together with the claim or claims to which they refer to the extent practicable.

(h) The claim or claims must commence on a separate physical sheet or electronic page. Any sheet including a claim or portion of a claim may not contain any other parts of the application or other material.

(i) Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation.

[31 FR 12922, Oct. 4, 1966; 36 FR 12690, July 3, 1971; 37 FR 21995, Oct. 18, 1972; 43 FR 4015, Jan. 31, 1978; para. (c), 47 FR 41276, Sept. 17, 1982, effective Oct. 1, 1982; para. (g) amended, paras. (h) and (i) added, 61 FR 42790, Aug. 19, 1996, effective Sept. 23, 1996; para. (h) revised, 68 FR 38611, June 30, 2003, effective July 30, 2003; para. (h) revised, 68 FR 38611, June 30, 2003, effective July 30, 2003; para. (c) revised, 70 FR 3880, Jan. 27, 2005, effective Dec. 8, 2004]

§ 1.76 Application data sheet.

(a) *Application data sheet.* An application data sheet is a sheet or sheets, that may be voluntarily submitted in either provisional or nonprovisional applications, which contains bibliographic data, arranged in a format specified by the Office. An application data sheet must be titled "Application Data Sheet" and must contain all of the section headings listed in paragraph (b) of this section, with any appropriate data for each section heading. If an application data sheet is provided, the application data sheet is part of the provisional or nonprovisional application for which it has been submitted.

(b) *Bibliographic data.* Bibliographic data as used in paragraph (a) of this section includes:

(1) *Applicant information.* This information includes the name, residence, mailing address, and citizenship of each applicant (§ 1.41(b)). The name of